

Appln. No. 10/782,120
Amendment dated October 23, 2006
Reply to Office Action mailed July 24, 2006

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REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claim 15 remains in this application. Claims 1 through 14 and 16 have been cancelled. No claims have been withdrawn or added.

Claims 1, 4, 5, 7 through 9, 12, 15 and 16 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Gugel in view of Spadaro, Fawcett and Kelpac.

Claim 15 has been rewritten into independent form with the requirements of claim 1, which claim 15 previously depended. It is therefore submitted that this Amendment does not require further search or present new issues requiring consideration beyond the previously conducted searching and previous consideration.

Claim 15 requires, in part, "a ladder assembly for being positioned on a support surface to support the user at a desired height above said support surface when the user is standing on said ladder assembly" and "a lighting assembly being coupled to said ladder assembly".

It is alleged in the rejection of the Office Action that:

Gugel shows the claimed ladder with the exception of the claimed lighting assembly being mounted on the deck of his ladder and the switch. Fawcett shows the claimed lighting assembly for mounting on a ladder. Spadaro teaches the mounting of a lighting assembly on the deck of a ladder. Kelpac shows a switch 64 on an outlet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Gugel with a lighting assembly as taught by, Fawcett, and to mount the lighting assembly on his deck, as taught by Spadaro, to illuminate his work area from the deck of his

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ladder, and to comprise a switch on his outlet, as taught by Kelpac, to selective provide power to his outlet.

However, this is merely a restatement of the benefits of the claimed invention and the allegedly obvious combination of elements of the prior art assembled according to the applicant's disclosure. The rejection provides no support for this alleged motivation for making the asserted combination, other than stating the benefit provided by the combination once the combination has been made. The rejection fails to point to anything in the prior art that teaches one of ordinary skill in the art that a stepladder such as that disclosed by Gugel would benefit from a light such as disclosed by Fawcett. It is noted that the Fawcett patent discloses mounting its light on walls and the floor, but not the stepladder. See, e.g., Fawcett at col. 3, line 65 through 67 (emphasis added):

In operation the clamping support 10 can be positioned above a doorway as shown in FIG. 8 so that its jaws 16 and 20 engage the walls 74 near the open doorway 75.

Fawcett also mentions placing the apparatus on the floor at col. 4, lines 37 through 45 (emphasis added):

In the alternative clamping support 10 may be used to clamp adapter plate 42 in jaw engaging region 40. When placed on a floor or other flat support surface, legs 43 rest on the support surface as does the end of elongated bar 12 opposite head assembly 14 so that the flood light attachment 30 is trained at an inclined angle upwardly from near the floor where support 10 rests.

What Fawcett does not disclose is that its "clamping support for removable attachments" is useful for mounting on a stepladder. In fact, the "BACKGROUND" portion of the Fawcett patent appears to suggest that positioning items on a "stepladder" (or a nail or the floor) may not "be located where they are the most convenient". It thus appears that the Fawcett apparatus is employed as an alternative to any mounting on a stepladder. In any event, the Fawcett patent would appear to lead one of ordinary skill in the art away from any more permanent mounting of the

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lighting assembly on the stepladder, as Fawcett clearly seeks to have the clamping support be removable and movable to other locations.

It is further asserted in the rejection that:

The examiner takes official notice that the use of conduits as a covering for power cords is a conventional practice, and to provide a conduit to Gugel, as is conventional would have been an obvious mechanical expedient to prevent damage of the cord.

Again, simply because a feature is known in other environments does not mean that the feature is obvious in the environment of Gugel, or the claimed environment.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Gugel, Spadaro, Fawcett and Kelpac, set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 1. Further, claims 4, 5, 7 through 9, 12, 15 and 16, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejection of claims 1, 4, 5, 7 through 9, 12, 15 and 16 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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